

## **REMARKS**

By this amendment, claims 1-17 and 25-30 remain in the application.

In the Office Action, claims 1, 5, 6, 8-12, 15, 16, 25, 27, 28 and 30 were rejected under 35 U.S.C. §102(b) as being anticipated by Anderson, et al (U.S. Patent No. 5,840,081); claims 2-4 and 13-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, et al in view of Flomenbilt, et al (U.S. Patent No. 5,876,434); claims 7, 17 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, et al in view of Wilson, et al (U.S. Patent No. 5,876,434); and claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, et al in view of Duerig, et al (U.S. Patent No. 6,503,272).

The Anderson patent discloses a valve prosthesis expandable by a balloon. The balloon is inflated to expand the valve prosthesis to an outer dimension greater than the diameter of the aorta (col. 6, lines 14-16). The prosthesis is tight against the inner wall of the aorta. The balloon is subsequently removed.

Anderson does not anticipate claim 1. Nowhere is there any teaching (or suggestion) in Anderson of vessel engaging members pulling the internal wall of the vessel radially inwardly upon movement toward a first expanded position as recited in claim 1. The Examiner points to Figures 5-7, but the prosthesis is not pulling the wall inwardly. It merely presses against the wall and lacks any structure to grasp or retain the vessel wall to pull it inwardly. Moreover, Anderson actually teaches away from movement of the prosthesis back toward a smaller diameter position. Anderson states for example:

*When the valve prosthesis is introduced and placed correctly, the stent is expanded by self expansion or by means of the expansion arrangement until the stent is given an outer dimension which is slightly larger than the channel in which it is placed. As the stent is elastic, a contraction of the stent is prevented once it is expanded. (col. 2. line 58)*

*Due to the stiffness of the metal the valve prosthesis will prevent a contraction. However, smaller contractions may occur (<10% diameter reduction) after the deflation and removal of the balloon catheter 13. (col. 6, lines 21-25).*

Consequently, Anderson does not desire movement radially inwardly. The small contraction of the stent (<10%) does not “pull” the wall inwardly. Consequently, claim 1 is believed patentable over Anderson.

Note that new dependent claim 31 recites the vessel engaging members comprise penetrating tips to pierce the vessel wall to retain it for radially inward movement. No such structure is disclosed or suggested in Anderson as it is designed to press outwardly against the wall without minimal contraction, if at all. A device designed not to contract cannot anticipate the present claimed device designed to penetrate the wall and retain it to pull it inwardly as recited in claim 31.

Claim 12, as amended, recites that the vascular device is expandable to the second expanded position to engage the vessel walls and returnable substantially to the first position to bring the walls radially inwardly as the walls are pulled inwardly by the vascular device. As discussed above, Anderson’s prosthesis is designed to expand against the wall, and designed not to contract (or minimally contract), let alone pull the wall radially inwardly. Consequently, claim 12 patentably distinguishes over the prior art and the rejection should be withdrawn.

Note that new dependent claim 32 recites vessel engaging members having penetrating tips to pierce the vessel wall to retain it for radially inward movement. As noted above with respect to claim 31, no such structure is disclosed or suggested in Anderson.

With respect to independent claim 25, this claim has been amended to recite the valve extends distally beyond a distal end of the support structure such that the support structure distal end is proximal of a distal portion of the valve. Anderson does not disclose this structure as the valve terminates at the terminal end of the wires. Note claim 25 has also been amended to provide antecedent basis for longitudinal axis.

Claims 2-11 depend from claim 1 and claims 13-17 depend from claim 12. Claims 26-30 depend from claim 25. Therefore, these claims are believed patentable for at

least the same reasons that claims 1, 12 and 25 are believed patentable. Additionally, Flonenbilt, Wilson and Duerig do not satisfy the deficiencies of Anderson.

Prompt and favorable reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Respectfully submitted,

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